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May 28 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	**C/A No.: 2018-CP-23-2957**
Jacoby Jamar Gregory, SCDC# 368934,	)	
Applicant,	)	
vs.	)	**ORDER OF DISMISSAL**
State of South Carolina,	)	
Respondent.	)	

This matter came before this court by way of application for post-conviction relief filed on May 18, 2018, by Mr. Jacoby Jamar Gregory (Applicant). The State filed a return and a motion for a more definite statement on September 10, 2018. The State requested a hearing on the merits. Applicant's counsel Ms. Tricha A. Blanchette filed an amendment to application for post-conviction relief on August 19, 2022. Applicant issued a second amendment dated September 5, 2023, and filed on September 15, 2023. An evidentiary hearing was convened on September 19, 2023, at the Greenville County Courthouse before the Honorable Grace Gilchrist Knie. Present at this hearing was the Applicant represented by his counsel Tricia A. Blanchette. Respondent was represented by Assistant Attorney General Tommy Evans, Jr. of the Office of the Attorney General.

Following a thorough review of the record in its entirety, the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant has failed to establish any constitutional violations that would afford him the granting of post-conviction relief. This Court denies this application with prejudice.

PROCEDURAL HISTORY

Records before this Court indicate that the Applicant is currently confined in the South Carolina Department of Corrections pursuant to orders of commitment by the Greenville County

Clerk of Court. On October 1, 2013, Applicant was charged with murder and possession of a weapon during the commission of a violent crime. On September 16, 2014, the Greenville County Grand Jury Indicted Applicant for both offenses. (Indictment No. 2014-GS-23-000409). This case was assigned to be prosecuted by Assistant Solicitors Leigh B. Paoletti, and Brywa Seay of the Thirteenth Circuit Solicitor's Office. The Applicant was represented by attorneys Randall L. Chambers and Chrisopher Maddox.

After four days of testimony, a jury of his peers found Applicant guilty of murder and possession of a weapon during the commission of a violent crime. After announcement of the verdict Applicant appeared before Judge Miller for sentencing. For the offense of murder Applicant was sentenced to a forty (40) year period of incarceration, and for possession of a weapon during a crime of violence Applicant received a five (5) year period of incarceration. Judge Miller ordered these sentences to be served consecutively.

Upon conviction, Applicant filed a timely notice of appeal. In this appeal, Applicant was represented by Laura R. Baer, Appellate Defender for the South Carolina Commission on Indigent Defense. Ms. Baer filed an *Anders* brief on August 18, 2017. On April 18, 2018. the South Carolina Court of Appeals in an unpublished opinion accepted the *Anders* claim and dismissed Applicant's appeal. *State v. Gregory,* Op. No. 2018-UP-156 (Ct. App. filed April 18, 2018).

On May 18, 2018, Applicant filed an application for post-conviction relief (PCR). Within his initial application the Applicant's allegations were only that he was being unlawfully held in custody based on an ineffective assistance of counsel.

On September 10, 2018, the State filed a return and a motion for a more definite statement. The State also requested that a hearing be held on the merits. On August 19, 2022, Applicant's appointed counsel Tricia A. Blanchette, filed an Amendment to the Application for PCR. Applicant

filed a second amended application on September 15, 2023. This amended application raised the following allegations:

1. Applicant alleges trial counsel was ineffective for failing to conduct a complete investigation and utilize an investigator and/or expert(s) prior to and during trial. As a result of counsel's ineffectiveness, witnesses to include lay and/or expert(s) and evidence were not properly utilized to corroborate Applicant or attack the State's case.

2. Applicant alleges trial counsel was ineffective for failing to address the conflict issue involving Scott Robinson, Esquire, pre-trial for failing to effectively address it when the issue came up at trial and for failing to make a complete record.

3. Applicant alleges trial counsel was ineffective for how he prepared Applicant to testify and handled Applicant's testimony at trial.

4. Applicant alleges trial counsel was ineffective for failing to make a complete record, make a motion and/or move for mistrial in the following instances:
    a. When the court placed a time limit on trial. Trial transcript p. 132.
    b. When trial counsel addressed the Court making faces that made it "abundantly clear" that he did not believe Applicant during his trial testimony. Trial transcript p. 621 ln. 17- p. 623 ln. 8.

5. Applicant alleges that counsel was ineffective for failing to make an objection under *State v. Sierra,* 337 S.C. 368, 523 S.E.2d 187 (Ct. App. 1999) during the State's examination of Bobby Thomas and Applicant.

6. Applicant alleges that trial counsel was ineffective for failing to object to bolstering and vouching during the State's closing argument.

STATEMENT OF FACTS RAISED DURING TRIAL

On October 1, 2013, co-defendant Mr. Shawndell Clemmons with other individuals got into an altercation with Barry Norman (victim). This altercation started due to the fact victim slapped Ms. Tiajuana Davenport, who at that time was seven months pregnant.

After this occurred the Applicant was informed of the altercation by Shawndell. During the rest of the night Applicant was in constant conversations with the victim in an attempt to calm things down. It was ultimately decided that Shawndell and the victim would settle this by fighting

it out. On the way to meet the victim the Applicant fired upon the victim shooting him once in the head causing his death.

During the investigation law enforcement found .45 caliber shell casings at the crime scene. Law enforcement also found at a warehouse near the crime scene a .45 caliber handgun which the Applicant later admitted was his. However, he informed law enforcement the gun was previously stolen. Along with the gun, law enforcement also found a hoodie which had the Applicants DNA on it.

The autopsy later revealed victim was shot with a .45 caliber weapon. Law enforcement later recovered video surveillance revealing two individuals hiding something at the location where the weapon and hoodie were found. Shawndell later testified that the individuals on the video were himself and the Applicant.

During trial Sergent Dan Kelly of the Greenville County Sheriff's Office testified as to the coordinates of the Applicant's cell phone that night. Sergent Kelly testified that the Applicant's cell phone was located near the crime scene around the identical time when people heard shots fired. Sergent Kelly also testified that Applicant's cell phone was located at a location where Applicant and Shawndell were picked up by a friend named Landis Franklin. Applicant's cell phone was also located on the street of the home of another friend Bobby Thomas who testified that Applicant and Shawndell came to his house after the shooting.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court has reviewed the application and return, other pertinent documents, and all exhibits presented at the hearing including Applicant's Exhibit 1, Peter Skidmore CV; Exhibit 2, Mr. Skidmore's report; Exhibit 3, content on submitted USB; Exhibit 4, Ralph Tressel CV; and Exhibit 5, Mr. Tressel's report. This Court also reviewed Court Exhibit 1, the trial transcript, and

State's trial Exhibit #50. This Court has also taken into consideration all testimony presented at the post-conviction relief hearing including witness testimony from Peter Matthew Skidmore, Ralph Robert Tressel, and Randall L. Chambers, Esq. This Court has set forth below the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Ineffective Assistance of Counsel

Applicant's claims of ineffective assistance of counsel are without merit. The Sixth and Fourteenth Amendments to the United States Constitution guarantees the right to effective assistance of counsel. *Strickland v. Washington,* 466 U.S. 668, 104 S.Ct. 2052 (1984), *Taylor v. State,* 404 S.C. 350, 745 S.E.2d 97, 101 (2013).

In a post-conviction relief action, Applicant always bears the burden of proving the allegations by a preponderance of the evidence – a mere allegation of ineffective assistance of counsel is not sufficient to warrant granting relief. *Butler v. State,* 286 S.C. 441, 334 S.E.2d 813, 814 (1985). Pursuant to *Strickland,* the reviewing court must apply the two-prong test to make a determination as to whether trial counsel's conduct "was so ineffective as to require reversal" of the Applicant's conviction or sentence. *Strickland,* 466 U.S. at 687. First, Applicant must show that counsel's performance was deficient; second, this deficient performance must prejudice the Applicant. *Id.*

The first prong requires that the Applicant must reveal that counsel's representation fell below an objective standard of "reasonableness under prevailing professional norms." *Cherry v. State,* 300 S.C. 115, 117-118, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler,* 286 S.C. at 442, 334 S.E.2d at 814.

Strickland, "does not guarantee perfect representation – only a 'reasonably competent attorney.'" *Harrington v. Richter,* 562 U.S. 86, 110, 131 S.Ct. 770, 791, *quoting, Strickland,* 466 U.S. at 687. Representation is constitutionally ineffective only if counsel's conduct, "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. *Strickland* 466 U.S. at 686. Just as there is "no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities." *Harrington,* 562 U.S. at 110.

Judicial scrutiny of counsel's performance must be highly deferential. It is all too tempting for a defendant to second-guess counsel's assistance after conviction or adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission by counsel was unreasonable. *Strickland,* 466 U.S. at 689. In *Strickland* the U.S. Supreme Court stated:

> A fair assessment of attorney performance required that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and the evaluate the conduct for counsel's perspective at the time. Because of difficulties inherent in making the evaluation, a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action, "might be considered sound trial strategy."

Id.

The second prong of *Strickland* is rooted in the very purpose of the Sixth Amendment's guarantee of counsel – to ensure the defendant has the assistance necessary to justify reliance on the outcome of the proceeding. *Id.* 466 U.S. at 691-492. In order to prove prejudice, an Applicant must demonstrate counsel's deficient performance prejudiced the Applicant such that, "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding

would have been different." *Cherry,* 300 S.C. at 1170118, 386 S.E.2d at 625. A reasonable probability is a probability, "sufficient to undermine confidence in the outcome." *Strickland,* 466 U.S. at 694. Thus, it is not enough, "to show the errors had some conceivable effect" on the outcome of the proceeding – counsel's errors must be "so serious as to deprive the defendant of a fair trial." *Id.,* 466 U.S. at 687. Moreover, the South Carolina Supreme Court has repeatedly held that a PCR applicant must produce testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at a PCR hearing in order to establish prejudice. *Bannister v. State,* 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998). Applicant failed to produce any evidence revealing that the outcome of the case would have been different but for the ineffectiveness of counsel.

Expert Witnesses

One accusation raised during the hearing was that trial counsel was ineffective due to him not hiring an expert in the field of cell phone extraction. During the hearing the Applicant called Mr. Pete Skidmore who was accepted as an expert in cell phone extraction and mapping without objection. Mr. Skidmore testified that there was an area where the cell phone of the Applicant was located that was away from the crime scene during the event. However, during cross-examination it was revealed during trial that Applicant's cell phone was located at the crime scene, the area where he was picked up in order to elude law enforcement, and the home where he retreated to after the incident occurred. Each of these locations were corroborated by witness testimony. The location of this single ping would not negate all the other locations discovered by law enforcement. These locations were corroborated by testimony that the Applicant was present at or around the time the crime occurred.

Applicant also called to testify, Mr. R. Robert Tressel who was accepted without objection as an expert forensic crime scene investigator. Mr. Tressel testified about certain aspects of the crime scene that were not examined by law enforcement. Mr. Tressel also claimed that Law enforcement should have swabbed other areas of the hoodie for DNA. During cross-examination Mr. Tressel did admit that he was not at the crime scene at or near the time of the crime. He also admitted that there were .45 caliber shell casings found at the scene, that the victim was killed with a .45 caliber weapon, and the Applicant admitted owning a .45 caliber handgun. Mr. Tressell also admitted that the hoodie found near the crime scene had the Applicant's DNA inside; however, the Applicant admitted that only 3 people wore the hoodie that day. In this Court's opinion the extra swabs would have been unnecessary.

Although law enforcement did not do a perfect job in their investigation, no law enforcement agency has ever had a perfect investigation. The evidence collected and the testimony provided was sufficient in proving that the Applicant committed this crime beyond a reasonable doubt and the use of this expert during trial would not have changed the outcome.

The last person who testified was Applicant's trial counsel Mr. Randall L. Chambers. Mr. Chambers appeared credible during his testimony. During his testimony Mr. Chambers stated that he did contact an expert on cell phone extraction only to get a knowledge of his expertise and to get some advice on what to raise to the State's expert during cross-examination. Mr. Chambers did not think hiring an expert was necessary, nor did the Applicant inform him he wanted an expert or that he could afford one. Mr. Chambers key strategy was to reveal through cross-examination that the Applicant was not present when the crime occurred. This is the reason he never hired a DNA expert to examine the weapon that was recovered. If Applicant's DNA was found on this weapon

it would have seriously damaged the defense. It is this Court's opinion the hiring of these experts would not have changed the final outcome of this case. Applicant failed to satisfy *Strickland*; therefore, I find that trial counsel was not ineffective as it pertains to not hiring experts.

Applicant's Testimony

Within his amended application Applicant alleges that trial counsel was ineffective as to how he prepared Applicant for this testimony. Mr. Chambers testified that he advised the Applicant not to testify, however, the Applicant insisted that he testify. Mr. Chambers explained that he cannot deny a person a right to testify at his own trial. Mr. Chambers testified that he properly prepared Applicant for his testimony.

I find Mr. Chambers testimony credible regarding his preparation of the Applicant to testify. I believe that Mr. Chambers did everything possible in order to prepare Applicant. Mr. Chambers cannot be held at fault if the Applicant made statements during his testimony that could have jeopardized the Applicant's case. I find there exists no ineffective assistance of counsel regarding how Applicant was prepared to testify.

Mistrial

There were also issues raised that the Applicant believed trial counsel should have requested a mistrial. Applicant argued that trial counsel was ineffective due to not motioning for a mistrial on two occasions. When the trial judge referred to the Assistant Solicitor regarding the time he felt necessary to complete this trial, and trial judge making faces during the Applicant's testimony, which trial counsel raised concerns of possible prejudice. A mistrial should be granted only when absolutely necessary. *State v. Hill,* 382 S.C. 360, 369, 675 S.E.2d 769, 768 (2009).

I find in neither instance an ineffective assistance of counsel. In the first instance the trial judge raised time concerns to the Assistant Solicitor not to trial counsel. During his PCR testimony,

Mr. Chambers stated that he never felt rushed in conducting this trial, nor during the Applicant's testimony. As for the second instance, after being raised to his attention, the trial judge within his jury instructions cured any possible prejudice that might have occurred. Within his jury instructions the trial judge specifically stated:

> "I also remind you that in every case tried in this court before a jury, the jury is the sole and exclusive judge of the facts. A trial judge cannot comment or have an opinion about the facts, so don't think by anything I said or did throughout the course of the trial I have such an opinion. I do not." R. p. 685 lines 10-16.

Any possible prejudice that might have occurred by the trial judge's actions was cured by this jury instruction.

From the evidence presented there is no prejudice in the actions of the trial court inquiring about the length of trial, or his reactions during the Applicant's testimony. Since the Applicant could not reveal any prejudice he was not entitled to a mistrial. To receive a mistrial a defendant must show both error and resulting prejudice. *Id.* The possibility of receiving a mistrial is very slim; therefore, this Court finds no ineffective assistance of counsel by trial counsel in not requesting a mistrial during these two events.

Conflict of Interest

The co-defendant Shawndale Clemmons was represented by Mr. Scott Robinson who once spoke to the Applicant about representing him when he was initially incarcerated. However, Applicant eventually decided to hire Mr. Chambers. Applicant now alleges that trial counsel was ineffective by not raising this possible conflict pre-trial nor properly addressing this issue when it came up during trial.

This issue was raised by trial counsel and resolved through testimony given by co-defendant's counsel Mr. Robinson. Since there was no showing of any conflicting interest between

Mr. Robinson and the defendant no conflict existed. The South Carolina Supreme Court determined what criteria must exist in order for the court to declare that a conflict of interest exists:

> When a defense attorney places himself in a situation inherently conducive to divided loyalties ... If a defense attorney owes duties to a party whose interests are adverse to the defendant, then an actual conflict exists. The interests of the other client and the defendant are sufficiently adverse if it is shown that the attorney owes a duty to the defendant to take some action that could be determinantal to his other client.

Duncan v. State, 281 S.C. 435, 438, 315 S.E.2d 809, 811 (1984).

Mr. Robinson testified that he only saw the Applicant once and there was never any discussion about the case itself and he was never given any discovery by the Applicant. In reading the transcript and hearing the PCR testimony of Mr. Chambers, I find Mr. Robinson's testimony credible, there exists no conflict. The fact that Mr. Chambers raised this to the trial court's attention reveals that he was truly effective in getting the court to address this matter.

State v. Sierra

The Applicant argues that trial counsel was ineffective for failing to make an objection pursuant *State v. Sierra,* 337 S.C. 368, 523 S.E.2d 187 (Ct. App. 1999) because of Assistant Solicitor's direct examination of Bobby Thomas and cross-examination of the Applicant.

In *Sierra,* the South Carolina Court of Appeals determined that the trial judge committed reversable error by allowing an assistant solicitor to impeach a defense witness during cross-examination with a prior inconsistent statement that was actually made to that assistant solicitor. It is this Court's opinion that *Sierra* does not apply to the present case.

During trial the Assistant Solicitor mentioned letters written to her by the Applicant. (R. p. 614 line 8 – p. 615 line 5). Applicant argues that the mentioning of these letter falls under *Sierra.* There was never any reference as to what these letters contained nor were they used by the Assistant Solicitor to impeach this witness. *Sierra* does not apply.

Applicant also referenced statements made to law enforcement by witness Bobby Thomas. (R. p. 305 – p. 306 line 11). These statements were made to law enforcement. There was no impeachment made by the Assistant Solicitor regarding a conversation made between her and Mr. Thomas. The conversation pertained to the statement Mr. Thomas made to law enforcement. So, Mr. Thomas was being impeached regarding a statement he previously made to law enforcement, not directly to the Assistant Solicitor.

During the direct examination of Mr. Thomas and the cross-examination of the Applicant the assistant solicitor used written statements given to law enforcement to impeach or refresh the memory of the witnesses. That is perfectly legal since it was a statement given to law enforcement and not to the assistant solicitor herself. In *Sierra,* the Court of Appeals found:

> When the prior inconsistent statement was allegedly made to the prosecuting attorney, the availability of extrinsic evidence to establish the statement is directly linked to the ability of the prosecuting attorney to appear as a witness in the trial.

Sierra, 337 S.C. at 376, 523 S.E.2d at 191.

The statements used by the Assistant Solicitor were made to law enforcement, not directly to that Assistant Solicitor. To establish these statements there was no need for the Assistant Solicitor to become a witness. The law enforcement officer who took these statements would have been called to verify these statements. In this Court's opinion, *Sierra* does not apply so there is no ineffective assistance of trial counsel by not objecting to the line of questioning by the Assistant Solicitor.

Bolstering and Vouching

Within his application Applicant alleges, trial counsel was ineffective by not objecting to the Assistant Solicitor's closing argument when she made references to the believability of Shawndell Clemmons. Within her closing argument the Assistant Solicitor stated:

> "All right, let's talk about Shawndell Clemons now and why you should believe him. Again I would encourage you to recall his testimony based on your memory

and not the defense's characterization of what he said." (R. p. 675 line 24 – p. 676 line 3).

Within her closing argument the Assistant Solicitor also stated:

> "And in life and in the law, when somebody confesses to something, we give that a high degree of reliability because why would somebody lie and incriminate themselves. (R. p. 676 lines 15-18).

Applicant argues that trial counsel should have objected to these statements because it could be considered bolstering or vouching by the Assistant Solicitor. The prosecution should not bolster the testimony of a witness unless they are doing so in order to rebut the defense's argument that the witness is not being truthful due to certain deals witnesses have made for his testimony. Within his closing argument Applicant's trial counsel stated:

> "Shawndell, we know, is somebody that as he comes in here to testify has pleaded guilty to manslaughter, a reduced charge. And he told you that he had not been sentenced. And the reason for deferring sentence is he's got to come testify first. You can logically conclude that how he testifies is going to go a long way toward the sentence that he ends up getting." (R. p. 634 lines 5-10).

Applicant's trial counsel also stated:

> "And he knew that he was expected to testify against Jacoby Gregory because his sentence had been deferred. So, you can consider all that." (R. p. 634 lines 17-20).

And finally, within his closing argument Applicant's trial counsel stated:

> "At no point is he telling the whole truth. In fact, he continues to tell what he refers to as the half truth. It's true that he was there. But can you rely on anything else that he has had to say about that?" (R. p. 638 l. 9-13).

Statements made by Applicant's trial counsel within his closing argument clearly were made to cast doubt to the testimony of Shawndell Clemmons. In the Fourth Circuit case of *U.S. v. Meacham,* 799 F.2d 751 (1986) the Court of Appeals found:

> We do not view as improper the prosecutor's closing argument reference to the plea bargain promise of truthfulness in this case, since it was in response to defense

> counsel's use of the plea bargains during their closing argument, to attack the credibility of the cooperating government witness.

Id.

During their closing argument the Applicant's trial counsel argued numerous times regarding the reliability of Mr. Shawndell Clemmons. It was only fair that the State be allowed to argue his reliability due to the fact he confessed and he would be facing a thirty-year prison sentence for his involvement in this crime.

Applicant also argues that his trial counsel failed to object while the Assistant Solicitor was bolstering law enforcement. Applicant claims statements during the Assistant Solicitor's closing arguments bolstered law enforcement which should have drawn an objection from Applicant's trial counsel. Applicant feels that this failure to object should be considered ineffective assistance of counsel.

Applicant is referring to the section of the Assistant Solicitors closing argument where she states about the limited resources available within the Fountain Inn Police Department. Assistant Solicitor also revealed details mentioned by the Applicant's trial counsel that law enforcement overlooked, and if law enforcement had done everything this trial would have still commenced. (R. p. 670). This statement does not bolster any findings or statements made by law enforcement, so this statement did not warrant an objection from Applicant's trial counsel.

Therefore, the fact trial counsel failed to object during the Assistant Solicitor's closing argument cannot be considered ineffective.

CONCLUSION

Upon review of the transcript of the jury trial, the application, the return and all of the other pertinent documents and exhibits, this Court concludes that the Applicant did not meet the required standard articulated in *Strickland* for this Court to grant post-conviction relief. The Applicant is

required to meet the preponderance of the evidence standard that trial counsel was deficient and was prejudiced by this deficiency. The Applicant has failed to meet that proof.

Therefore, based on the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant this application. This application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes Applicant must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. *See,* Rule 203 SCACR. Pursuant to *Austin v. State,* 305 S.C. 453, 4090 S.E.2d 395 (1991), an applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides if applicant wishes to seek appellate review, post-conviction relief counsel must serve a file a notice of appeal on Applicant's behalf. Applicant is then directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED

1. That this application for post-conviction relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to and remain is the custody of the State.

IT IS SO ORDERED this 2 **day of** January, 2024

The Honorable GRACE GILCHRIST KNIE
Circuit Court Judge
Resident Judge, Seventh Judicial Circuit

Spartanburg
~~Greenville~~, South Carolina

15 of 15

Copy mailed to
Attorney General and Tricia Blanchette
on 1/9/2024.

STATE OF SOUTH CAROLINA COUNTY OF SPARTANBURG	)	IN THE COURT OF COMMON PLEAS
Jacoby Jamar Gregory, 368934, Applicant, -vs- The State of South Carolina, Respondent.	)	ORDER REGARDING APPLICANT'S MOTION FOR RECONSIDERATION Case No.: 2018-CP-23-02957

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Brice Garrett CDC&VL SC

Hearing Date:	Friday, March 22nd, 2024, @ 2:00 p.m.
Hearing Judge:	Grace Gilchrist Knie
Counsel for Applicant:	Tricia A. Blanchette
Counsel for Defendant/s:	Tommy Evans, Jr.
Court Reporter:	Sallie B. Todd (via WebEx)

A Rule 59(a)&(e) SCRCP motion to reconsider and to alter or amend has been received from the Applicant dated and served on the Court on January 16th, 2024. The Motion to Reconsider was timely and properly served on The Court per Rule 59(g) SCRCP. Present was the Applicant Jacoby Jamar Gregory, and present representing the Applicant was Tricia A. Blanchette, Esq. Tommy Evans, Jr., Esq. of the SC Attorney General's Office was present representing the Respondent. The Court Reporter was Sallie B. Todd. The hearing was conducted via Judge Knie's Virtual Courtroom by consent. Specifically Applicant's Motion is requesting that the Court alter, amend or reconsider its Order filed on January 8th, 2024 which denied Applicant's May 18th, 2018 Application for Post Conviction Relief (including all amended Applications.)

After careful consideration of the able arguments and filings of Counsel and review of the record, the Court is unable to discover any material fact or principle of law that either has been overlooked or disregarded and further finds no error of law or fact not appropriately considered.

Accordingly, the Applicant's Motion for Reconsideration dated and forwarded to the Court on January 16th, 2024, made pursuant to Rule 59, SCRCP, requesting that the Court reconsider its decision denying the Applicant's Application for Post Conviction Relief is respectfully denied.

IT IS SO ORDERED.

April 9th, 2024

Grace Gilchrist Knie, Judge
Circuit Court, Seventh Judicial Circuit

Copy mailed to
Attorney General (TE) T. Blandette
on 4.24.2024.